

Report on the Penitentiary System
in the U. S.

N. Y. 1822 101 pp. plus

Appendix of 107 pp.
including a lengthy
comment regarding
capital punishment etc.
from various states

The Fourth Annual Report of the
Managers of the Society for the
Prevention of Pauperism in the City
of New York.

N. Y. 1821

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President

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Feb. 18, 1822 12 pp.

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Report of a Committee on the subject
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the City of New York
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Dr. J. S. Wood
227 Pearl St.

REPORT

A COMMITTEE

ON THE SUBJECT

OF PAUPERISM.

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New-York:

PRINTED BY SAMUEL WOOD & SONS,
NO. 261, PEARL-STREET.

1818.

AT a meeting of a respectable number of citizens convened at the New-York Hospital, on Friday the 16th of December, to take into consideration the subject of Pauperism, General Matthew Clarkson was appointed chairman, and Divie Bethune, secretary.

On motion of Charles Wilkes, Esq. seconded by Wm. Johnson, Esq. it was unanimously

Resolved, That the citizens present, with those who may hereafter unite in the measure, be constituted a Society for the prevention of Pauperism.

Resolved, That a committee be appointed to prepare a Constitution for the government of the society, and a statement of the prevailing causes of Pauperism, with suggestions relative to the most suitable and efficient remedies; whereupon the following gentlemen were appointed a committee for that purpose, viz. John Griscom, Brockholst Livingston, Garrett N. Bleeker, Thomas Eddy, James Eastburn, Rev. Cave Jones, Zachariah Lewis, and Divie Bethune, who were requested, when ready to report, to convene the society for that purpose.

At a meeting of the society on Friday, the 6th of February, 1818, the following report from the Committee was read: whereupon, it was

Resolved, That 1000 copies of the Report and Constitution be published for distribution, under the direction of the same committee.

REPORT

ON THE

Subject of Pauperism.



To the "New-York Society for the prevention of Pauperism."

THE committee appointed to prepare a Constitution for the government of the society, and a statement of the prevailing causes of pauperism, with suggestions relative to the most suitable and efficient remedies, Report,

THAT we entered upon the duties assigned us, under a strong conviction of the great importance of the subject of Pauperism. We were persuaded that on the judicious management of this subject, depend, in a high degree, the comfort, the tranquillity, and the freedom of communities. We were not insensible of the serious and alarming evils that have resulted, in various places, from misguided benevolence, and imprudent systems of relief. We knew that in Europe and America, where the greatest efforts have been made to provide for the sufferings of the poor, by high and even enormous taxation, those sufferings were increasing in a ratio much greater than the population, and were evidently augmented by the very means taken to subdue them.

We were fully prepared to believe, that without a radical change in the principles upon which public alms have

been usually distributed, helplessness and poverty would continue to multiply—demands for relief would become more and more importunate, the numerical difference between those who are able to bestow charity and those who sue for it, would gradually diminish, until the present system must fall under its own irresistible pressure, prostrating perhaps, in its ruin, some of the pillars of social order.

It might be long indeed, before such a catastrophe would be extensively felt in this free and happy country. Yet, it is really to be feared, as we apprehend, that it would not be long before some of the proximate evils of such a state of things would be perceived in our public cities, and in none, perhaps, sooner than in New-York. Although these consequences are but too apparent from the numerous facts which recent investigations have brought to light, particularly in Great Britain, and in some parts of the United States, yet we are very sensible of the difficulties attendant upon every attempt to provide an adequate remedy for poverty, and its concomitant wretchedness.

The evil lies deep in the foundation of our social and moral institutions; and we cannot but consider it as one of the most obscure and perplexing, and at the same time, interesting and imposing departments of political economy.

While there exists so great a disparity in the physical and intellectual capacities of men, there must be, in every government, where a division of property is recognised by law and usage, a wide difference in the means of support. Such, too, is the complication of human affairs, the numerous connections, and close dependencies of one part upon another, it is scarcely to be presumed, and it would be extravagant to expect, that under the most moral, and the wisest civil regulation to which human society is susceptible of attaining, partial indigence and distress will not be

experienced to an amount that will ever demand the exercise of Christian benevolence.

The great and leading principles, therefore, of every system of Charity, ought to be, *First*, Amply to relieve the unavoidable necessities of the poor; and *Secondly*, to lay the powerful hand of moral and legal restriction upon every thing that contributes, directly and necessarily, to introduce an artificial extent of suffering; and to diminish, in any class of the community, a reliance upon its own powers of body and mind for an independent and virtuous support. That to the influence of those extraneous, debilitating causes, may be ascribed nine tenths of the poverty which actually prevails, we trust, none will doubt who are extensively acquainted with facts in relation to this subject.

The indirect causes of poverty are as numerous as the frailties and vices of men. They vary with constitution, with character, and with national and local habits. Some of them lie so deeply entrenched in the weakness and depravity of human nature, as to be altogether unassailable by mere political regulation. They can be reached in no other way, than by awakening the dormant and secret energies of moral feeling.

But with a view to bring the subject committed to our charge, more definitely before the society, we have thought it right, distinctly to enumerate the more prominent of those causes of poverty, which prevail within this city; subjoining such remarks as may appear needful.

1st. **IGNORANCE**, arising either from inherent dullness, or from want of opportunities for improvement. This operates as a restraint upon the physical powers, preventing that exercise and cultivation of the bodily faculties by which skill is obtained, and the means of support increased. The influence of this cause, it is believed, is particularly

great among the foreign poor that annually accumulate in this city.

2nd. IDLENESS. A tendency to this evil may be more or less inherent. It is greatly increased by other causes, and when it becomes habitual, it is the occasion of much suffering in families, and augments to a great amount the burden of the industrious portions of society.

3d. INTEMPERANCE IN DRINKING. This most prolific source of mischief and misery, drags in its train almost every species of suffering which afflicts the poor. This evil, in relation to poverty and vice, may be emphatically styled, the *Cause of Causes*. The box of Pandora is realized in each of the kegs of ardent spirits that stand upon the counters of the 1600 hundred licensed grocers of this city. At a moderate computation, the money spent in the purchase of spirituous liquors would be more than sufficient to keep the whole city constantly supplied with bread. Viewing the enormous devastations of this evil upon the minds and morals of the people, we cannot but regard it as the crying and increasing sin of the nation, and as loudly demanding the solemn deliberation of our legislative assemblies.

4th. WANT OF ECONOMY. Prodigality is comparative. Among the poor, it prevails to a great extent, in an inattention to those small, but frequent savings when labour is plentiful, which may go to meet the privations of unfavourable seasons.

5th. IMPRUDENT AND HASTY MARRIAGES. This, it is believed is a fertile source of trial and poverty.

6th. LOTTERIES. The depraving nature and tendency of these allurements to hazard money, is generally admitted by those who have been most attentive to their effects. The time spent in inquiries relative to lotteries,

in frequent attendance on lottery offices, the feverish anxiety which prevails relative to the success of tickets, the associations to which it leads, all contribute to divert the labourer from his employment, to weaken the tone of his morals, to consume his earnings, and consequently to increase his poverty. But objectionable and injurious to society as we believe lotteries to be, we regard as more destructive to morals, and ruinous to all character and comfort, the numerous self-erected lottery insurances, at which the young and the old are invited to spend their money in such small pittances, as the poorest labourer is frequently able to command, under the delusive expectation of a gain, the chance of which is as low, perhaps, as it is possible to conceive. The poor are thus cheated out of their money and their time, and too often left a prey to the feelings of desperation: or, they are impelled by those feelings to seek a refuge in the temporary, but fatal oblivion of intoxication.

7th. PAWNBROKERS. The establishment of these offices is considered as very unfavourable to the independence and welfare of the middling and inferior classes. The artifices which are often practised to deceive the expectations of those who are induced, through actual distress, or by positive allurements, to trust their goods at these places, not to mention the facilities which they afford to the commission of theft, and the encouragement they give to a dependence on stratagem and cunning, rather than on the profits of honest industry, fairly entitle them, in the opinion of the committee, to a place among the *causes of Poverty*.

8th. HOUSES OF ILL FAME. The direful effects of those sinks of iniquity, upon the habits and morals of a numerous class of young men, especially of sailors and apprentices, are visible throughout the city. Open abandon-

ment of character, vulgarity, profanity, &c. are among the inevitable consequences, as it respects our own sex, of those places of infamous resort. Their effects upon theseveral thousands of females within this city, who are ingulphed in those abodes of all that is vile, and all that is shocking to virtuous thought, upon the miserable victims, many of them of decent families, who are here subjected to the most cruel tyranny of their inhuman masters—upon the females, who, hardened in crime, are nightly sent from those dens of corruption to roam through the city, “seeking whom they may devour,” we have not the inclination, nor is it our duty to describe. Among “the causes of poverty,” those houses, where all the base-born passions are engendered—where the vilest profligacy receives a forced culture, must hold an eminent rank.

9th. **THE NUMEROUS CHARITABLE INSTITUTIONS OF THE CITY.** The committee by no means intend to cast an indiscriminate censure upon these institutions, nor to implicate the motives, nor even to deny the usefulness, in a certain degree, of any one of them. They have unquestionably had their foundation in motives of true Philanthropy; they have contributed to cultivate the feelings of christian charity, and to keep alive its salutary influence upon the minds of our fellow-citizens; and they have doubtless relieved thousands from the pressure of the most pinching want, from cold, from hunger, and probably in many cases, from untimely death.

But, in relation to these societies, a question of no ordinary moment presents itself to the considerate and real philanthropist. Is not the partial and temporary good which they accomplish, how acute soever the miseries they relieve, and whatever the number they may rescue from sufferings or death, more than counterbalanced, by

the evils that flow from the expectations they necessarily excite ; by the relaxation of industry, which such a display of benevolence tends to produce ; by that reliance upon charitable aid, in case of unfavourable times, which must unavoidably tend to diminish, in the minds of the labouring classes, that wholesome anxiety to provide for the wants of a distant day, which alone can save them from a state of absolute dependance, and from becoming a burden to the community ?

In the opinion of your committee, and in the opinion, we believe, of the greater number of the best writers, of the wisest economists, and of the most experienced philanthropists, which the interesting subject of Pauperism has recently called into action ; the balance of good and evil is unfavourable to the existence of societies for gratuitous relief :—that efforts of this nature, with whatever zeal they may be conducted, never can effect the removal of poverty, nor lessen its general amount ; but that indigence and helplessness will multiply nearly in the ratio of those measures which are ostensibly taken to prevent them.

Such are the consequences of every avowal on the part of the public of a determination to support the indigent by the administration of alms. And in no cases are measures of this kind more prolific in evil, than where they are accompanied by the display of large funds for the purposes of charity ; or where the poor are conscious of the existence of such funds, raised by taxation, and of course, as they will allege, drawn chiefly from the coffers of the rich.

How far these evils are remediable, without an entire dereliction of the great christian duty of charity, is a problem of difficult solution. The principle of taxation is so interwoven with our habits and customs, it would, perhaps, in the present state of things, be impossible to dispense

with it. But while our poor continue to be thus supported, to prevent the misapplication and abuse of the public charity, demands the utmost vigilance, the wisest precaution, and the most elaborate system of inspection and oversight.

To what extent abuses upon our present system of alms are practised, and how far the evils which accompany it are susceptible of remedy, we should not at present, feel warranted in attempting to state. The pauperism of the city is under the management of Five Commissioners, who, we doubt not, are well qualified to fulfil the trust reposed in them, and altogether disposed to discharge it with fidelity. But we cannot withhold the opinion, that without a far more extended, minute, and energetic scheme of management than it is possible for any five men to keep in constant operation, abuses will be practised, and to a great extent, upon the public bounty; taxes must be increased, and vice and suffering perpetuated.

LASTLY. Your committee would mention WAR during its prevalence, as one of the most abundant sources of poverty and vice, which the list of human corruptions comprehends. But as this evil lies out of the immediate reach of local regulation, and as we are now happily blest with a peace which we hope will be durable, it is deemed unnecessary further to notice it.

Such are the causes which are considered as the more prominent and operative in producing that amount of indigence and suffering, which awakens the charity of this city, and which has occasioned the erection of buildings for eleemosynary purposes, at an expense of half a million of dollars, and which calls for the annual distribution of 90,000 dollars more. But, if the payment of this sum were the only inconvenience to be endured—trifling, indeed, in comparison would be the evils which claim our attention.

Of the mass of affliction and wretchedness actually sustained, how small a portion is thus relieved ! Of the quantity of misery and vice which the causes we have enumerated, with others we have not named, bring upon the city, how trifling the portion actually removed, by public or by private benevolence ! Nor do we conceive it possible to remove this load of distress, by all the alms doings of which the city is capable, while the causes remain in full and active operation.

Effectually to relieve the poor, is therefore a task far more comprehensive in its nature, than simply to clothe the naked and to feed the hungry. It is, to erect barriers against the encroachments of moral degeneracy ;—It is to heal the diseases of the mind ;—It is, to furnish that aliment to the intellectual system which will tend to preserve it in healthful operation.

But can a task of this nature come within the reach of any public or any social regulation ? We answer, that to a certain, and to a very valuable extent, we believe it can. When any measure for the promotion of public good, or the prevention of public evil, founded upon equitable principles, is supported by a sufficient weight of social authority, it may gradually pass into full and complete operation, and become established upon a basis as firm as a law of legislative enactment. And in matters of private practice, reformation which positive statute could never accomplish, social and moral influence may thoroughly effect.

The present tranquil state of the public mind, and the almost total absence of political jealousy, indicate a period peculiarly favourable to internal improvement and reformation.

We therefore proceed to point out the means, which we

consider best calculated to meliorate the condition of the poorer classes, and to strike at the root of those evils which go to the increase of poverty and its attendant miseries.

We hold it to be a plain fundamental truth, that one of the most powerful incitements to an honest and honourable course of conduct, is a regard to reputation : or a desire of securing the approbation of our friends and associates. To encourage this sentiment among the poor, to inspire them with the feelings of self respect, and a regard to character, will be to introduce the very elements of reform. In the constitution which we shall offer for the government of this society, the means will be provided for effecting, or endeavouring to effect, the following regulations, as soon as the society shall become sufficiently large and weighty to proceed therein. But we wish expressly to state, that in whatever measures the society shall engage, it will be proper, in our opinion, that the managers endeavour to obtain the sanction of the corporation of the city, and in every case which requires it, the authority and cooperation of that body.

1st. To divide the city into very small districts, and to appoint from the members of the society, two or three visitors for each district, whose duty it shall be, to become acquainted with the inhabitants of the district, to visit frequently the families of those who are in indigent circumstances, to advise them with respect to their business, the education of their children, the economy of their houses, to administer encouragement or admonition, as they may find occasion ; and in general, by preserving an open, candid, and friendly intercourse with them, to gain their confidence, and by suitable and well timed counsel, to excite them to such a course of conduct as will best promote their physical and moral welfare. The visitors to keep

an accurate register of the names of all those who reside within their respective districts, to notice every change of residence, whether of single or married persons, and to annex such observations to the names of those who claim their particular attention as will enable them to give every needful information with respect to their character, reputation, habits, &c.

It may fairly be presumed, that if this scheme of inspection can be carried into full effect; if visiters can be found, who will undertake the charge, from the pure motive of philanthropy, and if, on the principles of active concert, a reference be always had to the books of the visiters, before charitable relief is extended to any individual, by any of the institutions already established, and due notice taken of the information they afford, a change will soon be perceived in the aspect of the poor. Finding that they have real friends, that their conduct is an object of solicitude, that their characters will be the subject of remark, a sense of decency, and a spirit of independence will be gradually awakened, the effects of which, must eventually be perceived in the diminution of the poor rates of the city.

2nd. To encourage and assist the labouring classes to make the most of their earnings, by promoting the establishment of a Savings Bank, or of Benefit Societies, Life Insurances, &c. The good effects of such associations have been abundantly proved in Europe and in America. Boston, Philadelphia, and Baltimore have each a Savings Bank.

3rd. To prevent, by all legal means, the access of paupers who are not entitled to a residence in the city. The plan of inspection before described will furnish the means of entirely preventing those disgraceful encroachments up-

on the charity of the city, which it is believed have been practised to no inconsiderable extent.

4th. To unite with the corporate authorities in the entire inhibition of street begging. There can be no reasonable excuse whatever, for this practice, more especially if the course of inspection, now recommended, be kept in operation.

5th. To aid, if it shall be deemed expedient, in furnishing employment to those who cannot procure it, either by the establishment of houses of industry, or by supplying materials for domestic labour.

Although this mode of relieving the necessitous, may appear to be entirely exempt from the evils arising from gratuitous aid, it will undoubtedly require a judicious course of management, lest it produce a relaxation of concern on the part of the poor to depend on their own foresight and industry, and the same consequent increase of helplessness and poverty. Yet it must be expected, that numerous cases will occur in which employment will furnish by far the most eligible kind of relief. Among the female poor, these cases will be the most numerous. Women have fewer resources than men; they are less able to seek for employment; they are more exposed to a sudden reverse of circumstances. Of the wants and the sufferings of this class, their own sex are the best judges. Hence, we are of opinion, that the "society for the promotion of industry" deserve the thanks of the community, and that the disinterested and well directed efforts of that society, ought to receive an adequate and extended support.

6th. To advise and promote the opening of places of worship in the outer wards of the city, especially in situations where licentiousness is the most prevalent. This subject is considered as one of vital importance. If, as we believe,

nine tenths of the poverty and wretchedness which the city exhibits, proceeds directly or indirectly from the want of correct moral principle, and if religion is the basis of morality, then will it be admitted, that to extend the benefits of religious instruction, will be to strike at the root of that corrupt tree which sheds dreariness and penury from all its branches. That there is a lamentable deficiency of religious observance, is extremely obvious. It is questionable, whether one man or woman in fifty, of the indigent, enters a place of worship three times in a year. The means are not provided for them, and they are unable to provide them for themselves. Now it has been remarked, that in the immediate vicinity of a church, it is rare to find a house devoted to lewdness or depravity. One half of the sum *annually* expended in the maintenance of the poor, would be sufficient to build three houses for public worship.

Further, if wretchedness proceed from vice, and vice, among the poor, be generally the offspring of moral and intellectual darkness, is it not a most reasonable, social duty, which the enlightened portions of society owe to the ignorant, to instruct before they condemn, to teach before they punish? Can there be a more painful reflection in the mind of a humane juror, than the thought of consigning to death, or to perpetual exclusion from the enjoyments of virtuous society, a fellow-creature, for crimes that have evidently resulted from that condition of vicious ignorance, to which he has ever been exposed, without any attempts on the part of the community to rescue him from it?

The committee would, therefore, submit to the society, the proposition of endeavouring to effect, as the means may accrue, the gradual erection of buildings for public worship, in those parts of the city where they are the most

needed, until every citizen may have an opportunity of attending divine worship.

7th. To promote the advancement of First day, or Sunday School Instruction, both of children and adults. We cannot but regard this kind of instruction as one of the most powerful engines of social reform, that the wisdom and benevolence of men have ever brought into operation.

8th. To contrive a plan, if possible, by which all the spontaneous charities of the town may flow into one channel, and be distributed in conformity to a well regulated system, by which deception may be prevented, and other indirect evils arising from numerous independent associations, be fairly obviated.

It appears highly probable, that if the administration of the charities of the city were so conducted, as to obviate all danger of misapplication and deception; those charities would flow with greater freedom, and that funds might occasionally be obtained, which would afford the means of erecting houses for worship, opening schools, and employing teachers, and thus direct, with greater efficacy, those materials which alone can ensure to the great fabric of society, its fairest proportions, and its longest duration.

9th. To obtain the abolition of the greater number of shops, in which spirituous liquors are sold by license.

We trust that four fifths, if not the whole of the intelligent portion of our fellow-citizens will unite in opinion, that the present extension of licensed retailers is equivalent, or very nearly so, as it respects the morals of the city, to the entire abrogation of the law which requires a dealer in liquors to take out a license. While the number of places in the city remains so excessively great, which afford to the poor and ignorant, not only so many facilities, but so many invitations and temptations to spend their mo-

ney "over the maddening bowl," reformation will be greatly impeded ; poverty and ruin must increase and abound.

If each of the 1600 retailers in the city, sell, upon an average, to the amount of 250 cents per day, an estimate which we presume all will consider within the truth, the aggregate amount for the year, is \$1,460,000. This enormous sum, extorted from the sweats of labour, and the tears and groans of suffering wives and children, would be sufficient to build annually, 50 *houses of worship* at \$20,000 each, and leave a surplus that would be more than sufficient to erect school houses, and amply provide for the education of every child in the city. When, with a single glance of the mind, we contrast the difference in moral effect, between the appropriation of this sum to the support of the buyers and sellers of strong drink, and its appropriation to the support of honest and industrious mechanics, employed in the erection of buildings, which would improve and ornament the city, and to the diffusion of religion and useful learning, who will not rise and exert his strength against the encroachment of so mighty an evil ?

Various other subjects and modes of relief, tending to the same great object, might be enumerated, but we forbear any further to enlarge our report, by the recital of them.

In the Constitution which we herewith submit for the organization and government of the society, a door is opened for the adoption of any measure which the society may deem it expedient to pursue, in conformity to the principal design of its institution.

To conclude, the committee has by no means intended, in the freedom with which it has thus examined the causes of pauperism, and suggested remedies, to encourage the expectation that the whole of these remedies can be speedily

brought within the power and control of the society. A work of so much importance to the public welfare cannot be the business of a day: but we nevertheless entertain the hope, that if the principles and design of this society shall, upon mature examination and reflection, receive the approbation of the great body of our intelligent fellow-citizens, and the number of its members be augmented accordingly, it will be able gradually to bring within its operation, all the important measures suggested in this report. By what particular mode these measures shall be encountered, whether through the agency of large and efficient committees of this society, or by auxiliary societies, each established, for a specific purpose, under the patronage of the parent institution, and subordinate to its general principles, we leave to the wisdom and future decision of the society.

On behalf of the Committee,

JOHN GRISCOM, *Chairman*.

New-York, Second-month 4th, 1818.

Proposed Constitution.

ARTICLE I.

THIS society shall be known by the name of "The New-York Society for the prevention of Pauperism."

ARTICLE II.

Its objects shall be, to investigate the circumstances and habits of the poor ; to devise means for improving their situation, both in a physical and moral point of view ; to suggest plans for calling into exercise their own endeavours, and afford the means for giving them increased effect ; to hold out inducements to economy and saving from the fruits of their own industry, in the seasons of greater abundance ; to discountenance, and as far as possible, prevent mendicity and street begging ; and in fine, to do every thing which may tend to meliorate their condition, by stimulating their industry, and exciting their own energies.

ARTICLE III.

Any person signing this constitution, paying one dollar at the time of signing, and one dollar annually, shall become a member of this society,

ARTICLE IV.

The business shall be conducted by a Board of Managers, consisting of thirty members, to be chosen at the annual meeting of the society, to be held on the last Tuesday in October, in each year, and nine of whom shall constitute a quorum.

ARTICLE V.

Its officers shall be a President, two Vice-Presidents, a Treasurer, and Secretary, to be appointed by the board of managers.

ARTICLE VI.

The corporation of this city shall be entitled to appoint any five members of their body, who, when so appointed, shall, ex officio, be members of this board of managers.

ARTICLE VII.

This constitution shall not be altered, except at an annual meeting of the society, and by two thirds of the members present.

The robber raised it from the floor with a hellish laugh, as he said coolly—

“Ay, but it shall be to your father in heaven.”

“Monster!” exclaimed Birch, “have you no feeling, no faith, no honesty?”

“Why, to hear him, one would think there was not a rope around his neck already,” said the other malignantly. “There is no necessity of your being uneasy, Mr. Birch; if the old man gets a few hours the start of you in the journey, you will be sure to follow him before noon to-morrow.”

This unfeeling communication had no effect on the pedlar, who listed with gasping breath to every sound from the room of his parent, until he heard his own name spoken in the hollow, sepulchral tones of death. Birch could endure no more, but shrieking out—

“Father, hush, father, I come—I come!” he darted by his keeper, and was the next moment pinned to the wall by the bayonet of another; fortunately his quick motion had caused him to escape a thrust aimed at his life, and it was by his clothes only that he was confined.

“No, Mr. Birch,” said the skinner, “we know you too well for a slippery rascal to trust you out of sight—your gold—your gold.”

“You have it,” said the pedlar, writhing with the agony of his situation.

“Ay, we have the purse; but you have more purses. King George is a prompt paymaster, and you have done him many a piece of good service. Where is your hoard? without it you will never see your father.”

“Remove the stone underneath the woman,” cried the pedlar eagerly—“remove the stone.”

“He raves—he raves,” said Katy, instinctively moving her position to another stone than the one on which she had been standing; in a moment it was torn from its bed, and nothing but earth was seen under it.

“He raves; you have driven him from his right mind,” continued the trembling spinster; “would any man in his senses think of keeping gold under a hearth-stone?”

“Peace, babbling fool,” cried Harvey—“lift the corner stone, and you will find what will make you rich, and me a beggar.”

“And then you will be despiseable,” said the housekeeper bitterly. “A pedlar without goods and without money—is sure to be despiseable.”

“There will be enough left to pay for his halter,” cried the skinner, as he opened upon a store of English guineas. These were quickly transferred to a bag, notwithstanding the declarations of the spinster, that her dues were unsatisfied, and that of right, ten of the guineas should be her property.

Delighted with a prize that greatly exceeded their expectations, the band prepared to depart, intending to take the pedlar with them in order to give him up to some of the American troops above, and claim the reward offered for his apprehension. Every thing was ready, and they were about to lift Birch in their arms, as he refused to move an inch; when a figure entered the room, that appalled the group—around his body was thrown the sheet of the bed from which he had risen, and his fixed eye and haggard face gave him the appearance of a being from another world. Even Katy and Cæsar thought it was the spirit of the elder Birch, and they both fled the house, followed by the alarmed skinkers.

The excitement which had given the sick man strength soon vanished, and the pedlar, lifting him in his arms, re-conveyed him to his bed. The re-action of the system which followed hastened to close the scene.

The glazed eye of the father was fixed upon the son; his lips moved, but his voice was unheard. Harvey bent down, and, with his parting breath, received the dying benediction of his parent. A life of privation, of care, and of wrongs, embittered most of the future hours of the pedlar. But under no sufferings—in no misfortune—the subject of poverty and biting obloquy—the remembrance of that blessing never left him. It constantly gleamed over the images of the past, shedding a holy radiance around his saddest hours of despondency. It cheered the prospect of the future with the prayers of a pious spirit for his well-being; and it brought assurance to his soul of having discharged faithfully and truly the sacred offices of filial love.

The language and manners of the American officers have been censured as coarse and vulgar. Without undertaking to decide whether they do not talk as young gentlemen in a camp—or “free and easy” when at a jovial board, are accustomed to converse, we can at least observe, they never disgust us with profanity. As we wish to bestow on this accomplished writer all the praise that is due to him—both for the credit of our own literature, and in return for the pleasure we have received, we will mention one more very rare quality of his book—we mean its total freedom from indelicacy in word and thought. We do not recollect that a single page is tarnished by this unpardonable stain. If we were to examine severely, we might point out some passages, not altogether to our mind. But its faults are very trivial. As to the style—we really devoured the whole work with such avidity, that we had no time to be fastidious on that score. It may be characterized generally as deficient in richness and classical purity. It

does not possess that exuberant and precipitous flow which distinguishes works of original genius. But if it breathe not the warm current of inspiration, if the eye be not dazzled by the profusion and splendour which we behold in some of the pages of the mighty masters of song, we should not be the less grateful to that vigorous conception which has sketched so animated a picture of scenes which "come home to the business and bosom" of every American.

We understand that the author has already projected another work. Let it not come too soon, but when it does, we hope his countrymen will continue to purchase and to praise. With this wish, which we believe, embraces all that the author can reasonably desire, we dismiss him, with our warmest thanks for the very high gratification which we have derived from his pages.

FOR THE PORT FOLIO.

ART. III.—*On the Penitentiary System of Pennsylvania.*

MR. OLDSCHOOL—

The North American Review, for October, 1821, contains an article on the penitentiary system, upon which it is my intention to make some remarks.

The improvements which the writer suggests, are to confine juvenile offenders, and all convicts for the first time, and for the lighter kind of offences, in one establishment to be called the Penitentiary; and the more hardened convicts, or those convicted of "heavy" crimes and second offences in another, to be called the State Prison. In both, the convicts are to be kept at work, and in society, except in particular cases. "Such is the only plan of punishments which he believes can be permanently adopted in this country, and to prove this position negatively, he briefly examines some of the other schemes that have been suggested." These are transportation; labour in chains on the highway, the restoration of the "good old system of flogging, branding, pillor-ing, gibbeting, &c. &c.; and exclusive solitary confinement." I shall notice these in the order in which they stand; first observing, however, that there does not appear to be the least necessity for having two separate establishments. Why might not all the convicts be confined in one prison? One great recommendation

of a single prison, is its great economy, when compared with the expenses attending the erection and support of two.

The writer in the Review is strongly opposed to transportation ; and his arguments are unanswerable, so far as they refer to the places which he notices as having been pointed out as proper *deposits*. These are Columbia river, and an island in Lake Superior. Both are highly objectionable for the reasons which he gives, viz. great expense, and danger of escaping. The first objection, alone, ought to prevent us from thinking of either place, and the consequence of escape would be the return of the convicts "to their old haunts," as stated by the reviewer, or, which is as bad, the exposure to their depredations of the people on the frontiers, who are struggling with hardships and privations unavoidably incident to their situation. Besides, the convict establishment at Columbia river would interfere with, if not entirely prevent, the success of a settlement at the mouth of Columbia river, which it is highly probable the American government will make before long; or it might injure the useful enterprise of Mr. Astor, which it is our duty and interest to encourage. I put the places mentioned, therefore, wholly out of the question.

Now let us examine the force of the arguments against the general policy of the measure of transportation.

Criminals, it is said, are "a miserable kind of material for new settlements. It is inexcusable in any nation to resort to it, until the accumulation of distress, and petty offences in consequence, have increased to an inconvenient and alarming degree." The idea of "new settlements," implies that we are to hold future intercourse with the convicts, but this is far from entering into my views. After having placed them in a secure spot, from which their escape would be impossible, and after furnishing them with the means of temporary sustenance, and of future existence and even comfort by the aid of their own labour, they ought to be left to themselves, and all intercourse with them provided against under the severest penalty. The Botany Bay plan must be studiously avoided. An argument in favour of effectually relieving ourselves from certain convicts by the proposed measure is derived from the actual existence of the state of things which, in the opinion of the Reviewer, could alone justify it, viz. "the accumulation of petty offences," and I will

add, of heinous crimes, to "an inconvenient and alarming degree;" for do we not daily see accounts of them in every part of the union, and do not the criminal courts of our capitals exhibit abundant proofs of them, from the gentleman-robbers of banks, (who commonly contrive to escape punishment,) parricides, and every species of daring crime, down to the sly pilfering of a fruitstall? But "transportation" is said to be of all "modes of punishment, the most costly, and of little importance in deterring the unprincipled from crime, as they do not see the punishment." Now the fact is, that transportation, of all modes, may be made the cheapest that can be adopted: the cost of removal amounting to little more than the annual expense of a convict in some of the states: the first expense moreover will be the last. It is certainly a singular argument, at this day, against the salutary influence of transportation upon the wicked, "that they do not see the punishment," because it was taken for granted that the principle was fully established by the experience derived from European penal codes, that "public examples," as they are called, so far from deterring from the commission of crimes, increase their number, and that their enormity is proportioned to the severity and publicity of the punishment. The use of the argument last quoted, is the more extraordinary, considering that the inefficiency of the barbarous corporeal inflictions of the old American, and present European penal codes* is ably and fully pourtrayed by the writer himself: and any one who believes in the restraining influence of example, may be satisfied of the delusion under which he labours, by resorting to the next public execution with one end of his handkerchief a little out of his pocket. So fully am I convinced of the inefficacy of public punishments, in preventing crimes, that it is firmly believed, the execution of a convict, at midnight in the jail yard in the presence of his fellow convicts, and by torch light would have a much

* I might add, the shocking proposals recently made in the publication of Mr. Beaumont, a London magistrate, of "branding on each cheek, and on the forehead; amputation of offending members; and death with previous amputation of the hands." If the progress of mental light had not caused the abolition of the Inquisition in Spain and Portugal, Mr. B. would have merited a high station in that mild and humane establishment for the reformation of heretics,—against the church "*as by law established.*"—See the Pamphleteer, vol. xviii. p. 416.

+ Essay on Criminal Jurisprudence

greater effect upon them, and the public at large, than the most solemn and ostentatious parade. But as it is possible that there are some persons who from not having duly considered the subject, are still persuaded of the admonitory and moral effects of public punishments on society, I beg leave to recommend to them the perusal of the unanswerable observations on it, by our late eminent citizen and philanthropist Dr. Rush, which laid the foundation for their total abolition in Pennsylvania.* He has proved that public punishments make men worse; that they never reform; never terrify, and so far from preventing crimes, tend to increase them, by destroying the sense of shame; by exciting revenge against the community, and from a strange propensity among fanatics and the miserable, even to commit capital crimes, that they may imitate an heroic death, and draw forth a repetition of expressions of admiration and praise for fortitude and suffering, which they may have heard uttered by spectators of a public execution.

Instead of "it costing twenty times as much to punish our convicts by transportation, as it does now in the state prisons," the cost would very probably be twenty times less; for as 20 years might be safely taken as the average term of the life of a convict in his new habitation, their outfit during that period, would not average more than the annual cost at present. Nay, it may be safely asserted, that the general average would be less; for although the expense of the first cargo might cause the amount to be a little more, owing to the purchase of many necessary articles of a permanent nature, yet as they would not be required again until after a long time, the cost of the subsequent shipments would certainly be so much less, as to bring out the result of a given term in favour of transportation, on the ground of economy.

2d. I have anticipated myself in some measure on the subject of public punishments, by a reference to the essays of Dr. Rush. The plan of punishing convicts by labour on the highways and streets was fully tried in the year 1786, and I well remember the

* See his *Essays, literary, moral and philosophical*, Philadelphia, 1798. Bradford.—A work that ought to be in the hands of every family in the United States. See also Roscoe on Penal Jurisprudence, and Montague "on the punishment of murder by death."

shocking scenes then exhibited, and the universal disgust they excited among all classes of citizens. The law was intended to continue only three years, and during that period petitions for its repeal, covered the tables of the legislature. It was accordingly permitted to die, and another was passed upon the old principles of labour and confinement.*

3. The writer in the Review is decidedly opposed to solitary confinement, which he says, "has been recommended by some without even having considered its effects. In the first place, if this should be adopted, the view of the economists must be abandoned, for the criminals can perform no labour." Now, so far from solitary confinement having been recommended without due reflection, the fact is, that it was seriously brought before the judiciary committee of the Pennsylvania legislature, during the last session,† after mature consideration for several months on the total inefficiency of the system hitherto adopted in our state; on the good effects of short periods of seclusion experienced in Philadelphia, in subduing outrageous tempers; and on the equally well known injury experienced by the convicts, from their constantly increasing contamination, the unavailing influence of labour upon their moral faculties, when performed in so-

* The following relation may not be without use. An act for substituting labour and confinement for public punishments, had been draughted during the session in which the "wheelbarrow" law was passed; when, on a meeting of the committee preparatory to its introduction, it was unfortunately resolved upon the motion of a member, who probably thought they were treading on sacred ground, to refer it to the chief justice, (the late Governor M'Kean,) who it was supposed must be master of the subject, and who would set them right if they were wrong: his approbation was also deemed important to insure the passage of the bill. He returned the bill, and proposed as a substitute the "wheelbarrow law," which met the approbation of a majority of the committee, from deference to the authority of so great a legal character, and was approved of by the legislature. This information comes from the late Geo. Clymer, who was a member of the first committee, and warmly opposed the reference to the judge. Thus for a short time were suspended the happy effects of Dr. Rush's anxious labours for years, in preparing the public mind for the amelioration of the penal code, and in breaking down the strong holds of prejudice and ignorance which supported the detestable old system.

† In "observations on the Penitentiary System of Pennsylvania, by Medicus."

ciety during the day, and their herding together at night. The rationale or *modus operandi* of this grand assuager of the turbulent passious was illustrated, and the Penitentiary committee in their report preparatory to the introduction of the late bill providing for the erection of a new prison, with solitary cells, in Philadelphia, and in the counties, went still farther into the subject, and shewed the happy effects that were likely to result from the adoption of the measure. In the remarks already referred to, it was asserted that "labour in society was an enjoyment," and tended to defeat the object of confinement, while on the contrary, idleness in solitude was highly distressing. Of the truth of these positions, the experience of the Philadelphia inspectors is ample,* and other authorities may be quoted to support them. Mr. Buxton says, that in the *Maison de Force* at Ghent, privation of work is a penalty sufficient to keep 99 out of 100 orderly and attentive to the rules.† Mr. Cunningham the keeper of the Gloucester jail, says that criminals "dread solitude; that it is the most beneficial means of working reform; far better than corporal punishment, which when severe, hardens them more than any thing else." He adds, "Reflection with low diet, are the causes of the good effect of solitary confinement." Mr. Stokes, governor of the house of correction at Horsley, says, that "solitary confinement is a much greater punishment without work than with it. To the question, 'Do you think a convict would go out better, if he had been employed during the month of confinement you speak of?' the reply is, no, nor half. The prisoner who is employed, passes his time smooth and comfortable, and he has a portion of his earnings; but if he has no labour, and kept under the discipline of the prison, it is a tight piece of punishment to go through. My opinion is, that if they are kept according to the rules of the prison, and have no labour, that one month would do more than six, [without labour.] I am certain, that a man who is kept there without labour once, will not be very

* The convicts in the Philadelphia prison, have, upon several occasions, expressed their dread of the intended plan of solitary confinement in the prison intended to be built this year.

† Inquiry whether crime and misery are produced or prevented by our present system of prison discipline. By Th. F. Buxton, M. P. London, 1818, p. 71. †

ready to come there again.”* A convict now in the Philadelphia prison, was recently asked, “Did you stay in Rhode Island, after your release from the solitary cells, there?” “Oh, no, I gave them wide sea-room.” He renewed his depredations, but it was in Pennsylvania, where the cells are reserved for punishing atrocious and turbulent convicts. For such characters, darkness and bread and water for diet, ought to be joined to solitude. The probable increased efficacy of total abstraction of light, must be obvious to all, and as to its absolute effect, there can be no doubt, having been repeatedly proven. The governor of the jail at Devises, says that “he had only *one* occasion to use the dark cell, in the case of the same prisoner, twice: that less than one day is enough to bring him to his senses.” He considered punishment in a dark cell for one day, had a greater effect upon a prisoner, than to keep him on bread and water for a month.”†

A greater portion of the time of the convicts ought to be spent in the solitary cells than usual, in order that they might be made to suffer; and if solitary idleness be not thought expedient, they ought to be compelled to earn at least \$5 dollars per year, above the amount of their expenses,‡ to prevent the possibility of an excuse which has often been made, for robbing, to support life, until they can obtain the means of employment after their liberation. Nor should they be permitted to leave the prison without this capital in hand. Convicts, knowing that their return to liberty depended on a compliance with this rule, would redouble their industry, and would never be idle; whereas, at present not having such a stimulus to work, they often neglect their tasks, and are turned loose without a dollar, and renew their depredations on society to satisfy the calls of hunger. *A*

* Evidence before the committee of the House of Commons, in 1819: p. 391—quoted in *Edinburgh Review*, No. 70, p. 295.

† Evidence before the committee of the House of Commons, 1819. p. 359. *Edinburgh Review*, No. 70, p. 293.

‡ It has always been the practice of the inspectors of the Philadelphia prison, to give the convicts credit for their extra earnings, beyond the small amount with which they are charged for their maintenance and clothing, and some have received sums on their discharge, that might have been of service to them in setting up a trade, if they had been disposed to work; but indolence prevents many from doing any thing more than their daily tasks, or from accomplishing even those, and hence, when leaving prison, they are pennyless.

preferable plan is to keep them in solitude without work, during the whole period of their sentences, and then to present them with 5, 10, or 15 dollars, acquainting them at the time, that in the event of their being again convicted, they would inevitably be transported for life to Tristan da Cunha, whencetheir escape would be hopeless. Such a plan would constitute perfection in criminal jurisprudence, and when adopted, will clear our jails of all old convicts, and greatly diminish the number of first offences. It does not follow that "labour must be abandoned in solitary confinement;" for the cells may be constructed of dimensions to admit of it; and it is believed that the new prison to be commenced the next spring in Philadelphia, will be erected on that principle. Nor cannot it be considered "an abandonment of the views of the economists," if work were wholly restricted, as it is very probable that in the end, a saving to the public would ensue, if the convicts were kept idle, for,

1. They would wear fewer clothes than when at work.
2. They might do well with two meals a day, instead of three, which are now given.
3. The quantity of food at each meal would be diminished, by reason of the lessened appetite arising from want of exercise in the open air.
4. The horrors of confinement would be so lasting, that the criminals once subjected to it for a proper length of time, (not a few months) will be effectually deterred from risking a repetition of them, by the commission of crimes in a state where such punishment awaits them. Besides, a continuation of the plan of working convicts is the less important at present, and probably for some years to come will not deserve consideration, in consequence of the difficulty of making sale of the product of their labour, and even supposing that they remained wholly idle during their confinement, still economy would ensue, for it may be taken for granted that from the cause just mentioned, the prison after a few years will contain but a small number of inhabitants.

Another objection to solitary confinement is the fear of making the convicts "maniacs, if it does not destroy them." But this is altogether imaginary, being contrary to experience in such cases. The records of the bastille of France and of other prisons

in Europe, shew, that men have been confined for 10, 20, and even more than 30 years in solitary cells without loss of reason or life. Most of us have read the interesting story of the confinement of Henry Masers de la Tude, who, with but little interruption was immured in the bastille from 1749 to 1784:* and what American youth has not been roused to indignation at the sufferings of the high minded but imprudent Trenck, who for ten years groaned in the dungeon of Magdeburg, by order of the Prussian tyrant, whom it is the fashion to call, the *great* Frederick? Our enterprising fellow citizen W. D. Robinson was confined in the year 1817 in a loathsome cell, an "infernal prison," under one of the arches of the ramparts of the castle of San Juan de Ulua, on the Spanish Main, for eleven months.† Our own prisons furnish additional proofs in point. By a reference to the keeper of the Philadelphia prison, and to an inspector, who has been for 15 years almost successively in office, I have ascertained that some of the convicts have been confined for nearly a year in a cell. The diet during part of the time, (about two weeks) of those confined for long periods, is what is called "cell allowance," viz. half a pound of bread per day, with water. Afterwards some soup is allowed; then a little meat twice a week, and at a more advanced stage, three times a week. It is not deemed necessary to state the particular cases, or to multiply proofs of a fact which is known to all who have had any intercourse with the prison, and of which any one may be fully satisfied by application to the keeper or board of inspectors. One man now in prison, states that he was confined in a cell of the jail at Providence, of smaller dimensions than those of Philadelphia, during ten months and twenty one days: that during three months of the time he was chained to the floor, and that he had two meals in a day.

The inspectors and the keeper of the Philadelphia prison, deny positively that any injurious effect has been observed upon the intellects of those confined in solitary cells, even for the longest period mentioned; and also deny the accuracy of the statement

* This account is recorded in a variety of foreign works, and also in that popular miscellany, the "Percy Anecdotes," part 6th.

† Memoirs of the Mexican Revolution by W. D. Robinson Philadelphia 1820.

of the writer in the N. A. Review, that "a week or ten days is generally sufficient to subdue the obstinate temper of a convict;" a much longer time being often required. One woman required 52 days confinement in an upper remote cell, and to increase her punishment, not a word was spoken to her during all that time. She had previously been some time confined in a lower cell, where conversation was practicable with an adjoining convict, and was permitted with the cell keepers, but had not become penitent. They say further that none are ever taken out of the cells, until completely subdued, unless the attending physician desire their removal by reason of the state of their health; and it is the invariable rule to remand them to their solitary abode, whenever they are able to bear it, in order to complete the time of their sentence to that punishment. The inspectors well know the constitution of the minds of criminals, and that to restore one of them to the luxury of working and sleeping in society before their turbulent passions are overcome, would be a victory over the discipline of the prison, and produce the most ruinous effects upon the system. Such a triumph is therefore never permitted.

The writer in the Review, says he was "assured by the inspectors of the Philadelphia and Baltimore penitentiaries that in each of those prisons but one instance had occurred of solitary confinement failing to subdue the criminal. In each of these cases, after a confinement of a month, and "when the pulse had been reduced to a cambric thread," the criminal was still obstinate, and they were obliged to release him to prevent his perishing under it." The practice of the Philadelphia prison has been stated. The particular case just mentioned, is not recollected by the present inspectors who have been consulted; but they have no hesitation in saying that a repetition of the experiment would have succeeded. So far from the mental faculties being impaired by solitary confinement, it is a fact, that even the muscular powers often apparently suffer very little diminution, and even in cases where debility is perceptible, after the release of a criminal, it is only temporary. Some have actually acquired flesh during their confinement; one man carried a keg of nails the length of the yard, immediately on coming out, after a seclusion of upwards of a month. The man confined in Providence, says

he tottered when taken out, but in one month he was as strong as ever. This man was exposed to a highly debilitating cause while in his cell, viz. an almost constant stench from inattention on the part of the prison keepers to the removal of an obvious cause, but once in ten days !

Mr. Robinson though debilitated by confinements, low diet, and an illness of several weeks with a violent hæmorrhage, recovered and suffered no permanent injury in his health.

The writer resumes the subject in the progress of his remarks, and says, that "it is a mistake of some theorists to plan a prison so that every man shall be in absolute seclusion. It is only desirable that the greater part of the convicts, particularly the more atrocious and hardened should be thus separated. But in many cases a superintendant will find it advantageous to put two or three together, where he perceives a repentant disposition, and that they will sympathise and confirm each other in such a course ?"

It is a strong argument in favour of solitary confinement, that it is warmly advocated by the most experienced among the present inspectors of Philadelphia, whose knowledge derived from long familiarity with prison discipline, and management of convicts, is far removed from "theory," and is not exceeded by that of any men in this country, or in Europe. There are few—very few of those committed to the Philadelphia prison, who do not deserve the epithets which the writer affixes to those whose consignment to the cells he allows to be proper ; and as to repentance, although "a consummation devoutly to be wished," yet is so rare an occurrence, as not to enter into the calculation of the inspectors so long as more than one are confined in a cell at a time. Several have successfully played the hypocrite, and one man "fairly prayed himself out of prison," sometime before the expiration of the period for which he was sentenced ; but he returned within the year. It is evident that the writer himself "theorises," for he speaks of "a repentant disposition," as a possible occurrence, but mentions no instance of this communion of penitent souls, having been successfully allowed in support of the practice he recommends. He may be assured that any useful "sympathetic" or moral influence, or "confirmation" in a repentent disposition, derived from the company of "two or three in a cell," is wholly imaginary, and will not be experienced. The greater

probability is, that the discovery of any symptoms of contrition in convict, by another in the same cell, would end in his being laughed out of it by his companions, and in the establishment of his old habits. An equally probable consequence of such intercourse would be, the planning of future robberies, or the contriving the means of escape : of this, I shall say more presently. It must be acknowledged, that although 19 out of 20 now confined in Philadelphia have been before in the prison there, or in that of some other city, yet that numbers once released, have not again offended against the laws ; but it is possible that they would have behaved equally well, if they had never been punished ; and it does not follow that any serious reformation has taken place in the heart of a man, merely because he has not committed a larceny or other crime, the penalty of which is confinement ; for a dislike to the prison life, and a preference to the enjoyment of domestic quiet and liberty, may be the restraining causes, and not a moral impression received during imprisonment.

The plan proposed by the reviewer, of classifying the prisoners, and confining them in different establishments, according to their degrees of criminality, although an improvement upon the present bad plan of an indiscriminate mixture of criminals of all ages, and of every degree of vice, would not however accomplish the two great objects of confinement, which ought constantly to be kept in view, viz. punishment, and reformation of the criminal. Permission given to them to work in society diminishes the first to a very trifling degree, and completely prevents the last. Every one who has had any experience among criminals knows, that very different degrees of vice are perceived among young or first offenders, and that a youth of 16 years of age, will be able to increase the corruption of mind in a man of 40. The idea of vice, or vicious propensities being graduated by age, can only be entertained by persons totally unacquainted with the inmates of a prison. Hence the absolute impossibility of any useful classification, of which so much has been recently written in England, and again urged by the reviewer. It may be relied on as an axiom in criminal jurisprudence, that whenever two or more criminals are in the same apartment, evil communications will take place among them, *and plans of future mischief will be*

Birch, after a narrow escape from a troop of horse, enters his hut where he finds Katy and Cæsar at the bedside of his dying father :

"Is he alive?" asked Birch tremulously, and seemingly afraid to receive an answer to his own question.

"Surely," said the maiden, rising hastily, and officiously offering her chair to the pedlar, "he must live till day or the tide is down."

Disregarding all but her assurance, the pedlar stole gently to the room of his dying parent. The tie which bound this father and son together was one of no ordinary kind. In the wide world they were all to each other. Had Katy but have read a few lines farther in the record, she would have seen the sad tale of their misfortunes. At one blow competence and kindred had been swept from before them, and from that day to the present hour, persecution and distress had followed their wandering steps. Approaching the bed side, Harvey leaned his body forward, and said, in a voice nearly choked by his feelings—

"Father, do you know me?"

The parent slowly opened his eyes, and a smile of satisfaction passed over his pallid features, leaving behind it the impression of death in still greater force from the contrast. The pedlar gave a restorative he had brought with him to the parched lips of the sick man, and for a few minutes new vigor seemed to be imparted to his frame. He spoke, but slowly and with difficulty. Curiosity kept Katy silent; awe had the same effect on Cæsar; and Harvey seemed hardly to breathe, as he listened to the language of the departing spirit.

"My son," said the father in a hollow voice, "God is as merciful as he is just—if I threw the cup of salvation from my lips when a youth, he graciously offers it to me in mine age. He chastiseth to purify, and I go to join the spirits of our lost family. In a little while, my child, you will be alone. I know you too well not to foresee you will be a lone pilgrim through life. The bruised reed may endure, but it will never rise. You have that within you, Harvey, that will guide you aright; persevere as you have begun, for the duties of life are never to be neglected—and"—A noise in the adjoining room interrupted the dying man, and the impatient pedlar hastened to learn the cause, followed by Katy and the black. The first glance of his eye on the figure in the door-way told the trader but too well both his errand, and the fate that probably awaited himself. The intruder was a man still young in years, but his lineaments bespoke a mind long agitated by evil passions. His dress was of the meanest materials, and so ragged and unseemly, as to give him the appearance of studied poverty. His hair was prematurely whitened, and his sunken, lowering eye avoided the bold, forward look of innocence.

There was a restlessness in his movements, and agitation in his manner, that proceeded from the workings of the foul spirit within him, and which was not less offensive to others than distressing to himself. This man was a well known leader of one of those gangs of marauders who infested the county with a semblance of patriotism, and, were guilty of every grade of offence, from simple theft up to murder. Behind him stood several other figures clad in a similar manner, but whose countenances expressed nothing more than the callous indifference of brutal insensibility. They were all well armed with muskets and bayonets, and provided with the usual implements of foot soldiers. Harvey knew resistance to be vain, and quietly submitted to their directions. In the twinkling of an eye both he and Cæsar were stripped of their decent garments, and made to exchange clothes with two of the filthiest of the band. They were then placed in separate corners of the room, and under the muzzles of the muskets, required faithfully to answer such interrogatories as were put to them.

"Where is your pack?" was the first question to the pedlar.

"Hear me," said Birch, trembling with agitation; "in the next room is my father now in the agonies of death; let me go to him, receive his blessing, and close his eyes, and you shall have all—aye, all."

"Answer me as I put the questions, or this musket shall send you to keep the old driveller company—where is your pack?"

"I will tell you nothing unless you let me go to my father," said the pedlar resolutely.

His persecutor raised his arm with a malicious sneer, and was about to execute his threat, when one of his companions checked him, and cried—

"What would you do? you surely forget the reward. Tell us where are your goods, and you shall go to your father."

Birch complied instantly, and a man was despatched in quest of the booty: he soon returned, throwing the bundle on the floor, swearing it was as light as feathers.

"Ay," cried the leader, "there must be gold somewhere for what it did contain; give us your gold, Mr. Birch; we know you have it; you will not take continental not you."

"You break your faith," said Harvey sullenly.

"Give us your gold," exclaimed the other furiously, pricking the pedlar with his bayonet until the blood followed his pushes in streams. At this instant a slight movement was heard in the adjoining room, and Harvey cried imploringly—

"Let me—let me go to my father, and you shall have all."

"I swear you shall go then," said the skinner.

"Here take the trash," cried Birch, as he threw aside the purse, which he had contrived to conceal, notwithstanding the change in his garments.

matured. I have elsewhere* referred to a fact in direct proof of this position, on the authority of the late Judge Rush of Pennsylvania. The well known Sir John Fielding, so long a police magistrate in London, amply experienced in criminal affairs, and in all the habits and wiles of Newgate, many years since stated a similar fact. A recent occurrence, affords additional proof in point. The Boston Gazette, of December, 1821, contains a letter from a convict in the state prison of Massachusetts, directed to a gentleman of that town, stating that "the late robbery of the store of Messrs. R. D. Tucker & Co. was planned in the prison, and that he had numbered twenty-five stores in Boston, against the proprietors of which conspiracies are planned for their robbery." One of the great benefits which the friends to humanity promised themselves, would result from the confinement of convicts at labour in prison, was the acquisition of a trade, or the improvement in one already partially acquired, and by which they might obtain a living after their release. Nothing in theory can be more plausible, yet nothing is found more opposite to the supposed consequence of such instruction: for no instance has occurred of any trade having been followed that was learnt in prison; but many undeniable proofs have been afforded of the manual skill acquired in confinement, being used to enable convicts more successfully to commit depredations on society after their release. The letter of the convict just quoted, stated further, "that the machinery for the execution of the robberies then planned in Boston, were all prepared in prison, viz. false keys, machinery for cutting off the heads of bolts, of a very compact and curious construction, together with instruments for opening window-shutters, the ingenuity of which would command a patent, if executed in a good cause.† The machinery for the robbery of Messrs. Tuckers, and for a variety of other purposes equally destructive to the peace and welfare of society, were made there." It

* Observations on the Penitentiary System of Pennsylvania, 1820. ✕

† Governor Brooks says that in the recent insurrection in the state prison of Massachusetts, many of the convicts were armed with deadly weapons, which had been forged in the workshops. Communication to Mass. Legislature, Jan. 1822.

may be remarked by the way, that this letter speaks very little for the discipline of an establishment which permits the convicts thus to occupy their time, and their leaving it with the predatory tools about them. Solitary confinement will be free from all such misapplication of time and talents. Shall we hear any more of the benefits arising from working classified convicts in societies?

Another evil arising from convicts working in society, is the murders that are committed by convicts of their fellow prisoners. Two or three instances of this have occurred in the jail of Philadelphia, (one last year) owing to a suspicion being entertained of the sufferer having given information of a plot to escape. Another was recently committed in the state prison of Massachusetts from the same cause. What has happened will happen again. Solitary confinement will effectually prevent such occurrences.

A still greater evil, proceeding from the assemblage of convicts in workshops or in the prison yard, is their insurrection and attempt to escape. One we have seen lately took place in the Massachusetts prison. In March 1820, a very serious attempt was made in the Philadelphia prison. The convicts had actually reached the outer gate, but were dismayed by seeing through the key hole, the street filled with armed men formally drawn up, and by the entrance of others into the yard from the front. It was ascertained that in the case of their having succeeded in breaking jail, the city was to be set on fire in several places. The consequences to society of nearly 500 convicts being at liberty, and excited to madness, may be easily conceived. Solitary confinement will prevent insurrections. The Reviewer speaks of the alleged anxiety of some convicts to enter our penitentiaries, arising from the excellent fare they enjoy there, as "a *stupid* bravado." If such an opinion is to cause the application of those epithets, it will be some consolation to the concerned to know that the persons thus implicated, are by no means few; for the opinion has been very generally entertained: nor does it follow, that because the criminals do make attempts to escape, some did not commit crimes to entitle them to the superior comforts of the prison; because although they may have been urged by hunger and cold to steal, yet having enjoyed the benefits provided for them in the house,

for some time, they may forget their former sufferings; and their constitutional restlessness returning on the approach of warm weather, they sigh for a change, and for liberty once more to indulge in the "sins that so strongly beset them," and are willing to take their chance for better fortune in future, to enable them to live at large on the produce of their vocations, during a succeeding winter. Besides, the attempt to escape, which the Reviewer thinks proves the absurdity of the assertion in question, may be made by those who do not seek a refuge in jail from hunger and cold, and those who do, may have declined interfering; during the alarming insurrection that took place in the Philadelphia prison, two years since, many refused to join the rioters. But the determination of the point is of little importance: that the expression however has been uttered by a man sentenced for one month's confinement during the winter, to the Philadelphia workhouse, and apparently with great sincerity, there can be no doubt.* The prison has long ceased to have terrors, and to attribute this fearlessness to the enjoyment of protection from the weather, and of warmth in winter, and food, all of which most of the convicts would be deprived of if at full liberty, is not an unreasonable, much less a stupid idea. This absence of fear will most certainly prevail so long as the prisons shall continue to be places of comparative comfort, and not of suffering, and so long will they be filled by a succession of inhabitants. The sooner therefore the discipline is changed, and made to assume a proper character, the better. When the incorrigible who are now existing, shall have finished their evil courses, and gone to their last account, we may hope that by the help of the general diffusion of moral education among the rising classes of society, a diminution of crime will take place. What that does not effect, rigid solitary confinement and transportation will complete.†

*The man shivering with cold, asked the constable, when going to prison, how long he was to be confined? he was told one month.—"Oh," said he, shrugging his shoulders, "I wish it were for three!"

†"Prisons, says Mr. Holford, should be considered as places of punishment, and not as scenes of cheerful industry."—See *Ed. Rev.* No. 70, p. 279. And in the words of another writer, "no punishment will be found to be wise or humane, or just or effectual, that is not the natural reaction of a man's own conduct on his own head, or the making him feel in his own person, the conse-

The reviewer recommends to the other States a recent law of Massachusetts, which condemns criminals to a further term of seven years because of a second conviction, and to imprisonment for life, if they come there a third time. Seven convicts are now confined for life under this law. In this way, he says, all those who are incorrigible will be taken away from preying on the public, and having learned a trade in the prison, can be advantageously employed. The objection to this plan is, the multiplication of such criminals which will result from its adoption, and the inevitable existence of the following evils :

1. Upon the supposition that the convicts are to be kept at work in society, agreeably to the idea of the reviewer, these inveterate rogues will serve as teachers to their less accomplished associates, the bad effects of which tuition are well known, and greatly deplored as one of the most powerful causes of preventing a change in the habits of vicious men, which was expected from the substitution of hard labour and confinement. If they are kept by themselves, upon the theoretical principle of classification, they will mutually corrupt one another, and all hope of amendment or change of mind will be at an end.

2. If confined in solitary cells, they would take up the room that ought to be reserved for first offenders, of whom some expectation of reformation might be entertained.

3. From their numbers, the expense of the prison would be greatly increased ; and as it would be impossible to sell all their work, unless at reduced prices, the support of honest citizens, at a time when there is little demand for labour, might be interfered with.

4. The confinement of the criminals must be recommended solely upon the principle of just punishment for crimes, and as a

quences of the injury he has meditated against others."—*Ed. Rev.* No. 70, p. 346. Working in society prevents such reflections. "The case is different with the prisoner doomed to the solitary cell. There the hand of justice presses on him with grievous weight. The cold rough walls that encircle him, the unvarying shades that hang around, and the death-like silence, only broken by the clanking of wearying chains, remind him of the violated law, and teach him that "the way of the transgressor is hard." There buried in solitude the fire of the spirit may be subdued, remorse may be succeeded by repentance, and the punishment may be productive of reform." *Emporium*, Dec. 1821.

safeguard against their future depredations. Reformation is out of the question. As it certainly can do society no possible good to imprison them, merely as a punishment, their long, or perpetual confinement does not seem to constitute a reason sufficiently strong to justify its infliction; it is, therefore, certainly a more eligible plan to send them away to the place proposed, to which the objections just urged do not apply, where the safety of the public from their future depredations, will be as great as by their confinement in prison, and where there will be some chance of a reformation. They will indeed be in society, but under circumstances so different from those in a prison, as not to justify the belief that contamination will take place, even on the supposition that an inequality in the scale of guilt prevailed among them, because from the obvious necessity that will appear of depending upon their own labour for existence, they will be "advantageously employed," and so constantly in tilling the earth, in some mechanical occupation, or in fishing, as not to afford time to think of mischief. There can, moreover, be no inducement to lay schemes for future robbery, or to break prison; and the severe discipline established by themselves, will insure the enjoyment to every man of his own little property. The criminal will no longer be forced to act at the will of a keeper, but will become a free agent, and one of the lords of the soil which he cultivates.

If it be an argument in favour of perpetual imprisonment, that "we shall no more hear of a fourth conviction," it certainly is a stronger one in favour of transportation that we shall not hear of a third, or, for some offences, even of a second, and that thus the expense of one or of two convictions, of supporting the criminals in prison for a time previously to trial, and of paying for the excess of the cost of their maintenance over the value of their labour, while serving out the periods of conviction, will be saved. It might be added, as a consideration of no small importance, that, by their removal at an earlier date than after a third conviction, there will be a vast gain, as respects morality, among the inferior classes of society; for it may be easily conceived that the infection diffused by three or four hundred reprobates, for seven or ten years, during which they may be supposed to be at large before they would commit a third offence, and be

finally shut up for life, must be great. He who is not reformed after one imprisonment, or deterred from repeating crimes, after having once experienced the discipline of the institution, will not be affected by a second experiment; the absurdity of making it, therefore, must be evident. Besides, on the principles of humanity and moral justice to the miserable wretch himself, it ought not to be repeated, because every new association with criminals in a jail only tends to increase or confirm his evil habits, and to lessen his chance of reform. Transportation will prevent this wide spread of moral contamination.

It is pleasing to find that my recommendation of transportation for life is supported by Mr. Harmer, a gentleman who "has been concerned during twenty years in constant trials at the old Bailey, and who is equally distinguished by assiduity, acuteness, and humanity in his profession. 'As to transportation, I think it ought to be for life; if it is for seven years, the novelty of the thing, and the prospect of returning to their friends and associates, reconciles offenders to it, so that in fact they consider it no punishment, and when this sentence is passed upon men, they frequently say, 'Thank you, my Lord.' Indeed this is a common expression used every session by prisoners when sentenced to seven years transportation.'"

When an Englishman talks of transportation, he refers to Botany Bay, which has become, comparatively, to British convicts, a happy residence; but the place and plan proposed for American convicts are far superior: on these, there is no occasion to enlarge, as both have been treated of in the publication already alluded to.

MEDICUS.

ART. IV.—*Letters from the West.* Letter IV.

I had not been long on board of the boat, when I discovered that its progress was frequently so slow as to allow me to make short excursions on the shore. Such opportunities were too precious to be lost; accordingly, equipped in a light summer dress, with a fowling-piece on my shoulder, I invaded, sometimes one bank, and sometimes the other, waging war against the squirrels of Virginia, Ohio, or Kentucky, as was most convenient. Thus I

* Report of the Select Committee on Criminal Laws of England, 1819, p. 100.—*Edinb. Rev.* No. 70.

gained sport, and healthful exercise, and procured a grateful addition to my frugal meals. In these digressions, I frequently encountered the inhabitants, and could make enquiries respecting the country. At their cabins I would always procure a refreshing draught of milk, as well as a dish of conversation; and if I had found nothing else, I believe I should have been amply repaid for my trouble, in gazing at the droves of chubby children, who are mentioned in the Navigator, as a staple commodity of the country. They are almost as plenty as the squirrels; and as plump and ruddy, as health and cleanliness can make them. By walking at a brisk pace along the shore, I could keep ahead of the boat, when the men were not rowing; thus I could pop over the squirrels, talk to the men, take a peep at the women, and kiss—the children, while I was jogging on my way.

On these occasions, I had opportunities of examining into the correctness of the assertion, made by almost all the English travellers. They describe our people, in the humbler walks of life, as possessing a certain surly independence, which they delight to display on every occasion; which induces them to insult a well-dressed stranger, whenever they get an opportunity; and to render any services which they may be called on to perform, with an air of doing a favour; so that while they pocket your money they remind you that they are your equals. I shall also notice at the same time, an assertion, made by a writer in the Edinburgh Review; he says, “They, of the Western Country, are hospitable to strangers, *because they are seldom troubled with them; and because they have plenty of maize and smoked hams.* Their hospitality, too, is *always* accompanied with *impertinent questions*, and a *disgusting display of national vanity.*” If the author of this precious scrap had ever visited the country he libels, he would find that it contains as many distinct falsehoods, as could conveniently be crowded into so small a paragraph. No country is more “troubled” with strangers, than this; they swarm the land, spreading themselves over it in every direction; every stream is traced, every forest explored, and the taverns of every little village, have at times been filled and overflowing with the crowds brought hither by emigration, by curiosity, or by business. Many of these are needy wanderers from the very land whose writers thus abuse us, who, destitute of the means of sub-

sistence, and of any knowledge of the country, must needs be indebted to its inhabitants, for food to support, and advice to guide their steps. The hospitality of the West, is best known to those who have experienced it.

“ Meat for keen famine, and the generous juice,
That warms ehill life, her charities producee.”

But if that hospitality is caused by the abundance with which Heaven has blessed our prolific country, it springs from that which we suspect seldom troubles these Scottish gentry, and whose charities, by the same rule, ought to be very sparing. The critic might have found a better reason; it is, that their hearts are as generous as they are brave—the latter quality not being denied them even in “ the fast anchored isle.” The same spirit which glowed at Chippewa, on Lake Eric, and at New-Orleans, still illumines the shadows of our Western forests; in war it produced daring achievements, in peace it warms the heart to acts of charity and mercy.

If a foreigner, in passing through our country, grasps at every occasion to make invidious comparisons, sneering at its population, its manners, and its institutions, and sextoling those of his native land, nothing is said of *national vanity*. When it was determined in England to tear the “ striped bunting,” from the mast heads of our frigates, and to “ sweep the Yankey cock-boats” from the ocean, no *national vanity* was displayed at all. When the very Review in question, tells us that England is the bulwark of religion, the arbiter of the fates of kingdoms, the last refuge of freedom, there is no *national vanity* in the business—not a spice. But if a plain back-woodsman, ventures to praise his own country, because he finds all his wants supplied, and all his rights defended; while he is not pestered with tax-gatherers, and excise-men; while he sees no dragoons galloping about his cottage, and is allowed to vote for whom he pleases to represent him—all of which he is told, and has good reason to believe, is ordered differently in another country—this is “ a disgusting display of *national vanity*.” If he ventures to exhibit a shattered limb, or a breast covered with scars, and to tell that he received these honourable marks, in defence of his native land, on an occa-





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